

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

FLOYD TERRY SMITH

PLAINTIFF

V.

4:20CV00737 JM

**ARKANSAS STATE MILITARY
DEPARTMENT**

DEFENDANT

ORDER

Plaintiff Floyd Terry Smith's motion to voluntarily dismiss his case is GRANTED, Doc. # 13. Plaintiff's motion for leave to amend his complaint, Doc. 11, and Defendant's motion to dismiss, Doc. 6, are denied as moot. The Clerk is directed to close the case.

The Court notes that Mr. Smith's right to re-file the case against the Defendant is subject to the provisions of Rule 41(d) of the Federal Rules of Civil Procedure. Under Rule 41(d), Mr. Smith may be ordered to pay any costs of this action which the Court deems appropriate if he re-files the action against the Defendant.

IT IS SO ORDERED this 22nd day of October, 2020.


UNITED STATES DISTRICT JUDGE